SECTION 6  FITNESS TO STUDY POLICY AND PROCEDURE

Students are advised to seek impartial help, advice, guidance and support from sabbatical officers in the Students’ Union and Students’ Union Advice Centre.

1 INTRODUCTION

1.1 The University of Huddersfield is committed to supporting its students and recognises the importance of a student’s physical health and mental wellbeing (“health and wellbeing”) in relation to their academic progress and student experience. The University provides various support services to ensure that students can fulfil their potential whilst at University.

This policy is designed to outline the procedural steps that should be taken if the University reasonably believes a student has difficulties arising from impairment in health or wellbeing, or if a student presents a risk to themselves or to others. A student’s fitness to study may also be considered under this policy if their health or wellbeing is disrupting their own, or others’ studies, or results in excessive demands being placed on other students or staff.

The University recognises that sometimes unacceptable behaviour may be as a result of a student’s health or wellbeing and, as such, it could be inappropriate or arbitrary to follow the University’s Student Disciplinary Procedures; it is intended that this policy will provide a more supportive route in such circumstances.

It is possible that the use of any formal procedure may increase a student’s experience of stress, particularly if the role and purpose of the procedure is not accepted. In order to minimise any additional stress, the procedure should be used sensitively, ensuring that the student understands the primary focus is to support the student.

The procedure may be used for all levels and modes of study, although it is not generally intended to apply to students, who are studying for awards subject to the Fitness to Practise Handbook, which will generally be dealt with in accordance with Policy, Regulations and Fitness to Practise Procedures.

This procedure should be read in conjunction with the University’s other policies and procedures which are potentially relevant in managing student conduct, including (by way of example and not as an exhaustive list) the following: Fitness to Practise Handbook and Student Disciplinary Procedure. The University may initially consider a matter under this policy, but then determine it would be more appropriately dealt with under an alternative policy, provided it notifies the student which policy is being applied.

Confidentiality

1.2 The University owes a duty of care to all members of the University community to ensure the health, safety and well-being of all its students, staff and visitors. As a result of this duty of care, colleagues cannot assure students of complete confidentiality, but it may reassure the student to know that personal information about a student obtained by a member of staff under this policy and procedure will only be shared amongst those members of staff who need to know that information.
in order to offer the student appropriate support or to enable the operation of this policy and procedure; and with external agencies where it is legal to do so.

**Mental wellbeing**

1.3 Mental wellbeing can be defined as a state of mental health where the individual can cope with normal life stresses, work productively and feel a sense of relatedness to other people. Everyone has moments of feeling down, stressed, angry or frightened, and for most those feelings pass. Sometimes it is the case that these negative feelings develop into something more serious and can cause difficulties. It is in these circumstances that the University wants to reiterate the importance of giving its support, where mental health or wellbeing is having an impact on student experience and academic potential or achievement.

1.4 The University seeks to ensure equity and consistency of treatment for all students and uses the following **generic standards to assess Fitness to Study** (using appropriate support mechanisms, e.g. as identified in a Personal Learning Support Plan):

- Full awareness of their own health and safety and that of others;
- Full awareness of any risk of physical danger to themselves and others;
- Ability to communicate effectively with fellow students, staff and other professionals (which, for the avoidance of any doubt, would include BSL, computer aided speech etc.);
- Ability to undertake periods in private study without supervision;
- Ability to attend and engage effectively in lectures and tutorials, with reasonable physical and study support adjustments as agreed necessary by the University;
- Ability to undertake assessment and engage effectively with the assessment process, with appropriate adjustments agreed by the University.
- Ability to engage as a student member of the wider University community, including in the use of the library and leisure facilities.

2 **AIMS**

2.1 The aim of this policy is to assist staff to support students, but staff should recognise that there is no expectation that they themselves are responsible for any physical or mental health diagnosis. Staff should be clear about their specific responsibilities relating to their role, to ensure that students are supported and referred to the Wellbeing Service as appropriate.

2.2 In adopting this policy, the University aims to ensure that:

- The best interests of the student are considered in relation to their personal situation and their health and wellbeing;
- Students are supported to study to the best of their ability and wherever possible to completion of their study;
- Students who may be experiencing difficulties in relation to their health or wellbeing are offered support to address their difficulties at the earliest opportunity;
- Colleagues in Schools, Registry and Student Services work together, as appropriate, to ensure students experience a consistent and fair process.
3 Training and Further Information

A useful summary of student mental wellbeing in higher education is the Good Practice Guide produced by Universities UK and Mental Wellbeing in Higher Education Group which can be found at [http://www.universitiesuk.ac.uk/highereducation/Pages/StudentMentalWellbeingGuide.aspx#.VSeHJ8VwZYU](http://www.universitiesuk.ac.uk/highereducation/Pages/StudentMentalWellbeingGuide.aspx#.VSeHJ8VwZYU).

3.1 The University offers a range of development opportunities for staff wishing to develop their knowledge and skills in this area, including: Understanding Mental Health Issues, Mental Health First Aid, Practical Ideas for Supporting Students, Working with Disabled Students, Disclosure and Confidentiality. Members of staff with pastoral responsibilities should be encouraged to attend such sessions. Additional information can be found at [https://www.hud.ac.uk/wellbeing-disability-services/help-and-support/](https://www.hud.ac.uk/wellbeing-disability-services/help-and-support/).

4 PROCEDURE

STAGE 1: INITIAL CONCERNS

1. If initial concerns are brought to the attention of a member of staff regarding a student’s health or wellbeing, then this should be dealt with within the school, preferably with the student’s personal tutor. The personal tutor, or other appropriate member of staff, should approach the student informally and discuss the concerns that they have with their behaviour, or that have been notified to them.

2. The student should be offered the opportunity to disclose any information of an underlying health condition. Within this discussion the tutor should encourage the student to seek advice from the Wellbeing Service, or refer them to this service with their permission.

3. Where there are concerns about elements of a student’s behaviour, the behaviour which is deemed inappropriate should be detailed to the student and the student should be asked to moderate their behaviour and to seek help with the present issues. It should be made clear to the student that they have the responsibility to make sure that they are fit to study, including being a part of the University community.

4. If a positive resolution is achieved then no further action will be needed, however, if a positive resolution is not achieved, or a student refuses to engage with the tutor then staff should proceed to Stage 2 (below).

STAGE 2: CONTINUING OR SERIOUS CONCERNS

5. If it is felt that the support provided under stage 1 is not successfully addressing the issues identified, or there is serious concern about a student’s health or wellbeing, a more formal approach should be taken.
6. Staff with either serious, or continuing, concerns should seek help from the Wellbeing Service and a member from the School should convene a meeting with the student to discuss these concerns. A pre-meeting conference could be held and within this pre-meeting may be: student’s personal tutor, course leader, and relevant members from the Student Wellbeing and Disability Service, and/or GP (or other appropriate support agencies such as a community psychiatric nurse), where appropriate. The meeting with the student could involve any of these individuals, but should try to be a more focussed attendance.

7. The student should be notified of the meeting venue, time and date at least 10 working days prior to the meeting and the purpose of the meeting should be made clear (although the meeting may be held on shorter notice if deemed necessary by the University). Emphasis should be made on the supportive approach to the meeting. It must be highlighted to the student that they may be accompanied by a family member, students’ union representative, friend, or another member of staff for support. Also the student is able to bring any medical evidence that they feel may be relevant. The student should be advised that if they fail to confirm their attendance, or refuse to attend the meeting it may be convened in their absence.

8. If a student has indicated that they will be attending the meeting, but is prevented from doing so for good reason, which can be evidenced, and the student advises the School before the meeting, the meeting will be deferred to a later date.

9. The meeting must express any on-going concerns that the staff may have and reiterate the importance of the student’s duty to be fit for study and incorporated within the University community. It should be made clear to the student that the University of Huddersfield has a duty of care to every member of its community and that if concerns with the student persist then further action may be taken under stage 3.

10. The meeting should clarify actions that should be taken by the student (with appropriate support, as necessary) and also any obligations on the staff to make reasonable changes to the student’s circumstances, e.g. deadline extensions, part-time study. Also the consequences of not complying with the agreed actions should be made clear to the student. These actions will be written up for review, the review meeting would follow the procedures set out in paragraph 0 below.

11. A report of the review meeting and the agreed actions should be documented by the convenor of the meeting and made available to all parties within 10 working days of the date of the meeting.

12. If the review meeting determines that the student’s situation has been resolved, or looks likely to be resolved in the near future, then no further action should be taken. However, if the concerns about the student persist then the matter should be progressed to Stage 3 by sending a copy of the report of the review meeting and all associated documentation to the Office of the Head of Registry marked Private and Confidential.
STAGE 3: PERSISTENT AND/OR SIGNIFICANT CONCERNS

13. This stage is used if either:
   a. concerns persist after stages 2; and/or
   b. they are serious enough to cause significant concern for the safety, wellbeing and health of the student and/or other members of the University community; and/or
   c. they have a significant impact on the academic progress of the student and/or others; and/or
   d. have a significant impact on the reputation of the University.

14. A meeting should be convened by the Head of Registry (or nominee) to discuss all options available to the student. Within this meeting should be a panel of people, these may include: Dean of School (or nominee with no previous involvement in the case), Head of the Student Wellbeing team, Students’ Union President (or their nominated representative) where appropriate. The panel should receive copies of any reports from the previous stage.

15. The student should be notified of the meeting venue, time and date at least 10 working days prior to the meeting and the purpose of the meeting should be made clear (although the meeting may be held on shorter notice, if deemed necessary by the University). Emphasis should be made on the supportive approach to the meeting. It must be highlighted to the student that they may be accompanied by a family member, students’ union representative, friend or another member of staff for support. Also the student is able to bring any medical evidence that they feel may be relevant. The student should be advised that if they fail to confirm their attendance, or refuse to attend the meeting it may be convened in their absence.

16. If a student has indicated that they will be attending the meeting, but is prevented from doing so for good reason, which can be evidenced, and the student advises the Head of Registry before the meeting, the meeting will be deferred to a later date.

17. The meeting should discuss the persistent or serious concerns that have been raised and should clarify the student’s responsibility to be fit for study and incorporated within the University community. The meeting must try to clarify why the problems have not improved. A decision must be made as to what should happen with the student, the decisions may include:

   i. No further action;
   ii. Individual arrangements put in place to aid student’s study and/or engagement as a student member of the wider University community, subject to review;
   iii. Part-time study along with conditions that must be met by the student for a fixed-term, subject to review;
   iv. Suspension from studies on health grounds for a fixed-term, subject to review, as set out in paragraph 27.
18. If the student refuses to attend the meeting, the relevant staff members may convene the meeting in the student’s absence.

19. A report of the meeting and the agreed actions should be documented by the convener of the meeting and made available to all parties within 10 working days of the date of the meeting. Any actions for review will be subject to the process set out in paragraph 0 below.

5 REVIEW MEETINGS

20. Any actions determined necessary will be written up for review.

21. In the case of Stage 2 concerns, the review meeting would normally take place within six term-time weeks of the original meeting and involve the same attendees from the University, although a review meeting can be called prior to this if the situation requires.

22. In the case of Stage 3 concerns, the timing of the review meeting must be stipulated in the report from the original meeting and involve the same attendees from the University, although a review meeting can be called prior to this if the situation requires.

23. If the student fails to confirm their attendance, or refuses to attend the review meeting, the relevant staff members may convene the review meeting in the student’s absence. If a student has indicated that they will be attending the meeting, but is prevented from doing so for good reason, which can be evidenced, and the student advises the Head of Registry before the meeting, the meeting will be deferred to a later date.

24. The review meeting will assess the student’s compliance with, or progress towards the actions determined necessary; and will also assess the impact of any reasonable changes made by the University. The review meeting will determine whether the students’ situation has been resolved, or looks likely to be resolved in the near future.

25. If the review meeting determines that the student’s situation has been resolved, or looks likely to be resolved in the near future then no further action should be taken. However, if the concerns about the student persist then the matter should be progressed to the appropriate stage in this procedure.

26. A report of the review meeting and its outcome should be documented by the convener of the meeting and made available to all parties within 10 working days of the date of the meeting.

6 RETURN TO STUDY (FOLLOWING A SUSPENSION FROM STUDIES UNDER THIS POLICY)

27. Following a period of suspension from study, the University needs to determine whether the student is presently fit for study and involvement within the University community after having time away.
28. The student should submit a written request to the Pro Vice-Chancellor, Teaching and Learning who will determine the outcome of the student’s request to study.

29. The student should make every effort to provide satisfactory evidence that their circumstances have improved, difficulties have been overcome and that they are well enough to return to study.

30. The University may request that the student provides evidence from a relevant medical professional with sufficient knowledge of the student’s wellbeing during the suspension period, in the form of an opinion as to whether they think the student is fit to return to study. If such an opinion is obtained, this should be taken into account when the Pro Vice-Chancellor, Teaching and Learning is deciding the outcome of the student’s request to return to study.

31. If the decision is made that the student is fit to return to study, any adjustments that are needed in order to support the student on return should be communicated to and accepted by the student; and subject to review. The Pro Vice-Chancellor, Teaching and Learning will decide upon a progress review date in order to minimise any risk of reoccurrence of previous difficulties.

7 APPEAL

32. Leave to appeal will only be granted to a student if, at any stage in the proceedings, there is evidence of a material irregularity (including administrative error) either in the conduct of the meetings themselves, or in any proceedings under this policy, which substantially affected the Panel’s decision.

33. The student should submit their request for leave to appeal to the Office of the Head of Registry, not later than 10 working days after the decision has been issued to the student. The Head of Registry or nominee will review the request to determine whether the ground for appeal has been satisfied. If leave to appeal is not granted, the Head of Registry or nominee will write to the student with to explain this decision.

34. If leave to appeal is granted the appeal will be considered by the Deputy Vice-Chancellor. There shall be no further opportunity to submit additional evidence.

35. The decision of the Deputy Vice-Chancellor shall be final.

36. The Deputy Vice-Chancellor shall submit a written report of their conclusions within ten working days of its decision to the Office of the Head of Registry and to the Student.
8  COMPLYING WITH THE LAW

The University owes a duty of care to all its staff members and students.

All procedures, discussions and decisions should all be made in compliance with the Equality Act 2010 especially regarding the requirement to ensure that disabled people do not experience discrimination, harassment or victimisation and the requirement for the University to be proactive in making reasonable adjustments.

Everybody has the right to respect for private and family life under article 8 of the Human Rights Act 1998 including right to respect for mental sanctity, thus steps taken to help the student must not breach this privacy. Also under article 2 of the Human Rights Act 1998, everyone has the right to life, so the University have a positive obligation to take steps to refer suicidal and/or potentially dangerous students to the appropriate members of staff that are eligible to deal with this sort of issue.

Under the Data Protection Act 1998, the sharing of confidential information is prohibited except in certain circumstances, it is only in these circumstances that staff should share any information disclosed to them about a student, especially for sensitive personal data, as registration consent forms do not cover sharing of sensitive personal data.

The University must also comply with the laws of natural justice, ensuring that it acts promptly, consistently and transparently when dealing with students.